

JUL 03 2001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

09/03/01  
JC490 U.S. PRO  
09/896750  
07/03/01

Anticipated Classification  
Of this Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application:  
Exam'r: Eggerton A. Campbell, Ph.D.  
Prior Group Art Unit: 1656

Attorney's  
Docket No.:  
Enz-49(P2)(C)

**FILED BY EXPRESS MAIL**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231



28169

PATENT TRADEMARK OFFICE

Sir:

This is a request for filing a  CONTINUATION  DIVISIONAL  
CONTINUATION-IN-PART application under  37 CFR §1.53(b)  37 CFR  
§1.53(b), of pending prior application Serial No. 09/387,300 filed on August 31,  
1999 of James G. Wetmur et al.

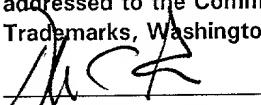
Inventor(s)

for

**NUCLEIC ACID DISPLACER COMPOSITIONS  
AND CELLS COMPRISING SAME (As Previously Amended)**

Title of Invention

1.  Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2.  Small entity status is still applicable and is claimed.

| EXPRESS MAIL CERTIFICATE  |              |
|---|--------------|
| "Express Mail" Label No. EL839968724US  |              |
| Deposit Date  | July 3, 2001 |
| I hereby certify that this paper and the attachments<br>herein are being deposited with the United States Postal<br>Service "Express Mail Post Office to Addressee" service<br>under 37 CFR 1.10 on the date indicated above and is<br>addressed to the Commissioner of Patents and<br>Trademarks, Washington DC 20231. |              |
|    | JULY 3 2001  |
| Ronald C. Fedus<br>Reg. No. 32,567  | Date         |

James G. Wetmur et al.  
Serial No.: Not Yet Assigned  
Filed: Herewith  
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July 3, 2001)

3.  The filing fee is calculated as follows:

| CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT             |                                     |     |              |   |              |              |              |              |
|---|-------------------------------------|-----|--------------|---|--------------|--------------|--------------|--------------|
|   |                                     |     |              |   | RATE         |              | FEE          |              |
|   | Number Filed                        |     | Number Extra |   | Small Entity | Other Entity | Small Entity | Other Entity |
| Total Claims  | 95                                  | =   | 75           | x | \$ 9         | \$ 18        | =            | \$675 \$ --- |
| Independent Claims  | 1                                   | =   | 0            | x | \$ 40        | \$ 80        | =            | \$ 0 \$ ---  |
| Multiple Dependent Claims Presented:                                | <input checked="" type="checkbox"/> | Yes | No           |   | \$135        | \$270        | \$130        | \$ ---       |
| * If the difference in Col. 1 is less than zero, enter "0" in Col.2 |                                     |     |              |   | BASIC FEE    |              | \$355        | \$ ---       |
|   |                                     |     |              |   | TOTAL FEE    |              | \$\$ 1165    | \$ ---       |

4.  The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.

Any additional filing fees required under 37 CFR §1.16.

Any patent application processing fees under 37 CFR §1.17.

5.  The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.

Any patent application processing fees under 37 CFR §1.17.

The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).

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\_\_\_\_\_ Any filing fees under 37 CFR §1.16 for  
presentation of extra claims.

6. \_\_\_\_\_ A check in the amount of \$\_\_\_\_\_ is enclosed.

7.  Cancel claims 2-116.

8.  Amend the specification by inserting before the first line of the sentence: ---- This is a  continuation,  divisional,  continuation-in-part, of U.S. Patent Application Serial No. 09/387,300, filed on August 31, 1999, now allowed, which is a continuation of U.S. Patent Application Serial No. 08/480,000, filed on June 7, 1995, which issued as U.S. Patent No. 5,958,681 on September 28, 1999, said Serial No. 08/480,000 being a continuation of U.S. Patent Application Serial No. 07/499,938, filed March 26, 1990, abandoned. ---

9. \_\_\_\_\_ Transfer the drawings from the prior application.

10.  Informal  Formal \_\_\_\_\_ drawings are enclosed.

11. \_\_\_\_\_ Abandon said prior application as of the filing date accorded this application. A **duplicate** copy of this sheet is enclosed for filing in the prior application file.

12. \_\_\_\_\_ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ is claimed under 35 U.S.C. §119.  
\_\_\_\_\_  
The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_ , filed \_\_\_\_\_.

13.  The prior application is assigned of record to Enzo Therapeutics, Inc., c/o Enzo Biochem, Inc., 527 Madison Avenue, New York, New York 10022. A copy of the Assignment is enclosed.

14.  A preliminary amendment is enclosed.

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15.  The power of attorney in the prior application is to:  
Ronald C. Fedus, Reg. No. 32,567.

(a)  The power appears in the original papers in the prior application.

(b)  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(c)  A copy of a new substitute power of attorney is enclosed.

(d)  A copy of a new Associate Power of Attorney is enclosed.

(e)  Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald C. Fedus, Esq.  
Enzo Therapeutics, Inc.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue (9th Floor)  
New York, New York 10022

16.  Oath or Declaration

(a)  Newly executed (original or copy)

(b)  Copy from a prior application (37 CFR 1.63(d))

(c)  With Power of Attorney

(D)  Without Power of Attorney

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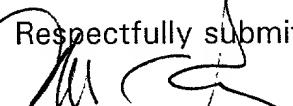
17.  I hereby verify that the attached papers are a true copy of prior application Serial No. 09/387,300, filed on August 31, 1999.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 3, 2001

Date

Respectfully submitted,

  
Ronald C. Fedus  
Registration No. 32,567  
Attorney for Applicants  
 Inventor(s)  
 Assignee of Complete Interest  
 Attorney or Agent of Record  
 Filed under 37 CFR § 1.34(a)

Address of Signator:  
Enzo Therapeutics, Inc.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue (9th Floor)  
New York, New York 10022